

Pt. 93

(1) 180 days have elapsed since the complainant filed the complaint and HHS has made no finding with regard to the complaint; or

(2) HHS issues any finding in favor of the recipient.

(b) If HHS fails to make a finding within 180 days or issues a finding in favor of the recipient, HHS shall:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

PART 92 [RESERVED]

PART 93—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Sec.

93.100 Conditions on use of funds.

93.105 Definitions.

93.110 Certification and disclosure.

Subpart B—Activities by Own Employees

93.200 Agency and legislative liaison.

93.205 Professional and technical services.

45 CFR Subtitle A (10–1–15 Edition)

93.210 Reporting.

Subpart C—Activities by Other than Own Employees

93.300 Professional and technical services.

Subpart D—Penalties and Enforcement

93.400 Penalties.

93.405 Penalty procedures.

93.410 Enforcement.

Subpart E—Exemptions

93.500 Secretary of Defense.

Subpart F—Agency Reports

93.600 Semi-annual compilation.

93.605 Inspector General report.

APPENDIX A TO PART 93—CERTIFICATION REGARDING LOBBYING

APPENDIX B TO PART 93—DISCLOSURE FORM TO REPORT LOBBYING

AUTHORITY: Section 319, Public Law 101–121 (31 U.S.C. 1352); (5 U.S.C. 301).

SOURCE: 55 FR 6754, Feb. 26, 1990, unless otherwise noted.

CROSS REFERENCE: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

Subpart A—General

§ 93.100 Conditions on use of funds.

(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) Each person who requests or receives from an agency a Federal contract, grant, loan, or cooperative agreement shall file with that agency a certification, set forth in appendix A to this part, that the person has not made, and will not make, any payment